

AB 864 Oil Spill Response: Environmentally And Ecologically Sensitive Areas

February 2, 2017
Public Workshop
Santa Barbara



Office of the State Fire Marshal
Pipeline Safety Division



Procedural Notes

- In-person participants will be afforded an opportunity to make oral comments following the presentation. Please keep comments to three (3) minutes.
- Written comments received before 5pm on January 30, 2017 will be read.
- For those attending on the webcast, you may submit comments on the substance of the regulations to the following email address during the workshop: daniel.hastert@fire.ca.gov
 - Comments will be read at the end of the public comment portion of today's workshop.
- **Note: Under the California Public Records Act, your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email. Etc.) become part of the public records and may be released to the public upon request.**



Procedural Notes

- If you are experiencing technical issues, such as no audio coming through during the presentation, please keep in mind that not all technical issues are resolvable on our end and may be the result of incompatible software, programs, etc.
 - If you are experiencing technical issues, use the “chat” tab on the tool bar to submit the issue. Our staff will work to resolve the issue.
- The presentation and audio recording will be posted on the code development website several days after the workshop:
http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development



Overview

- Purpose Of This Public Workshop
- Background
- AB 864 Legislation
- Draft Regulation Development
- Public Comment



Purpose Of This Public Workshop

- The purpose of this workshop is to provide the public an opportunity to comment on proposed regulatory language and solicit input on:
 - Alternatives to the current draft approach
 - Any comments, suggestions, or recommendations on regulatory language that better protect environmentally and ecologically sensitive areas (EESA) in the coastal zone
 - Economic impacts to pipeline operators
 - Economic impacts to California



Background



- In May 2015 an oil spill at Refugio Beach in Santa Barbara County spilled over 100,000 gallons of crude oil and impacted over 25 miles of coastline and ocean water.
- The impacts from the spill were devastating both environmentally and economically.



In Developing The Draft Regulations...

- The Office of the State Fire Marshal (OSFM) created a stakeholder workgroup comprised of non-governmental organizations, local government, and industry. The workgroup met regularly since January 2016 to:
 - Define terms not provided in the legislation
 - Identify applicable standards
 - Draft regulatory language
 - Draft guidance on the regulatory language
- The OSFM also consulted with OSPR about the potential impacts to state water and wildlife, and to identify EESAs in the coastal zone as described in Cal. Govt. Code section 8574.7(d).



AB 864 Requirements

- By January 1, 2018 – Any new or replacement pipeline near EESAs in the coastal zone shall use best available technologies (BAT) to reduce the amount of oil released in an oil spill to protect state waters and wildlife.
- By July 1, 2018 – An operator of an existing pipeline near EESAs in the coastal zone shall submit a plan to retrofit the pipeline by January 1, 2020, with BAT.



AB 864 Requirements Cont.

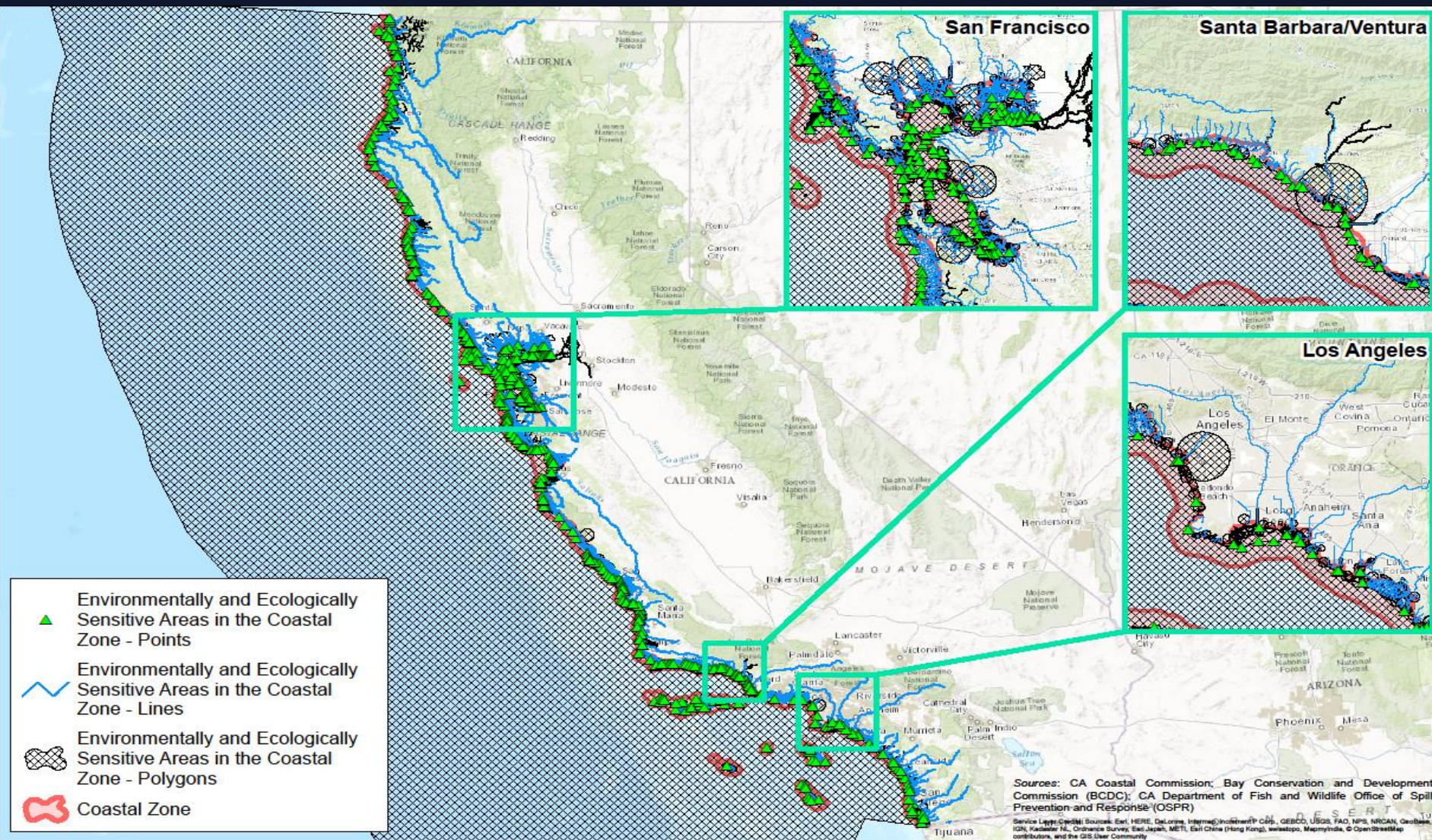


- Notice
 - An operator of a pipeline near EESAs in the coastal zone shall notify the OSFM of any new construction or retrofit of pipeline.
- Consultation
 - The OSFM shall consult with the Office of Spill Prevention and Response (OSPR) about the impacts to state water and wildlife.
- Definitions and Terms (provided in the legislation):
 - **“Environmentally and ecologically sensitive area”** is the same term as described in Cal. Govt. Code section 8574.7(d).
 - **“Best available technology”** means technology that provides the greatest degree of protection by limiting the quantity of release in the event of a spill, taking into consideration whether the processes are currently in use and could be purchased anywhere in the world.
 - The OSFM shall determine what is BAT and shall consider the effectiveness and engineering feasibility of the technology when making this determination.
 - **“Oil”** means hazardous liquid as defined in Section 195.2 of Title 49 of the Code of Federal Regulations.

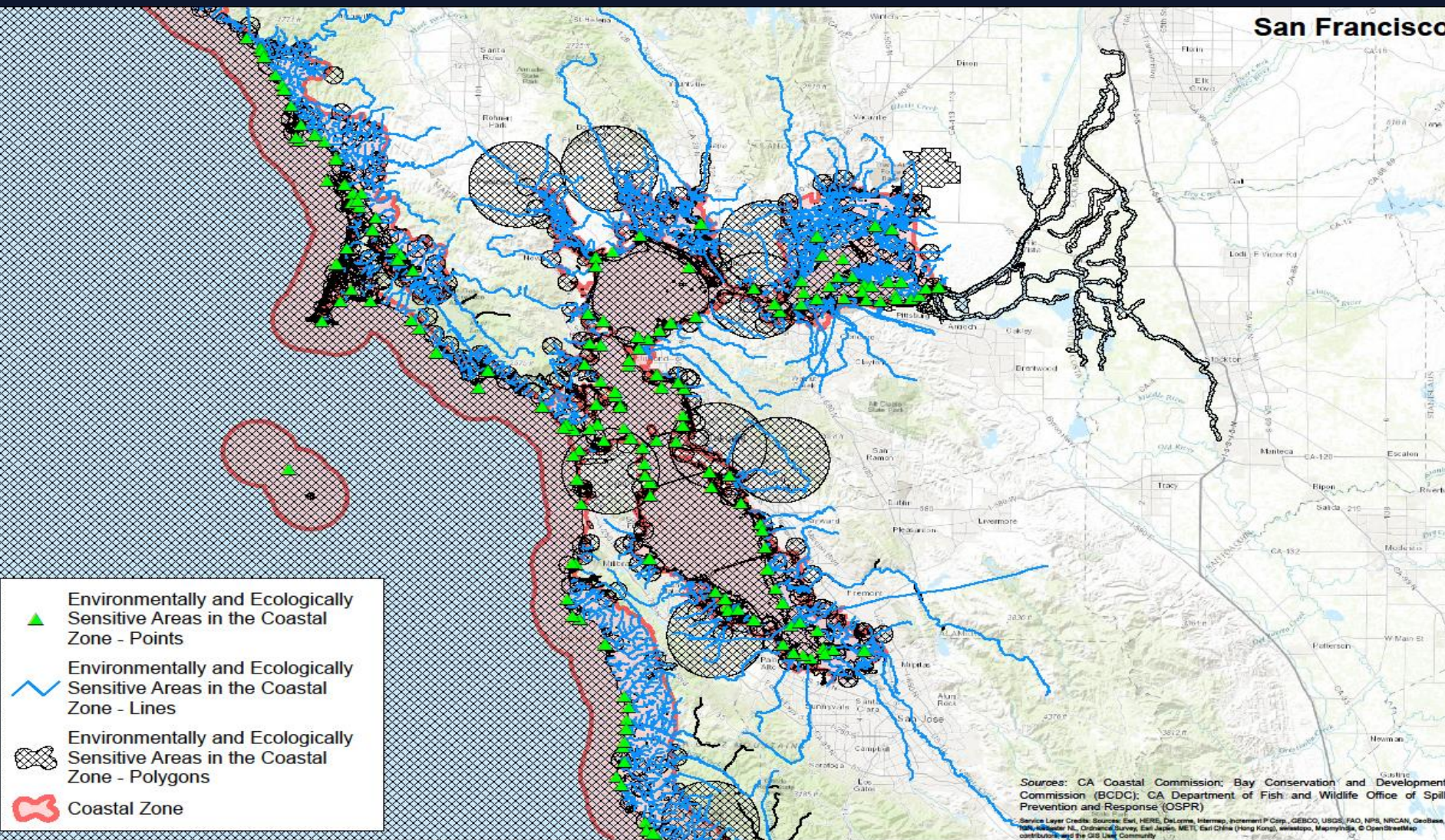
AB 864 Requirements Cont.

- The OSFM shall adopt regulations by July 1, 2017. The regulations shall include, but not be limited to, all of the following:
 - A definition of automatic shutoff systems.
 - A process to assess the adequacy of the operator's risk analysis.
 - A process by which an operator may request confidential treatment of information contained in their plan to retrofit or contained in a risk analysis.
 - A determination of how near to an EESA a pipeline must be to be subject to the requirements of the regulations.





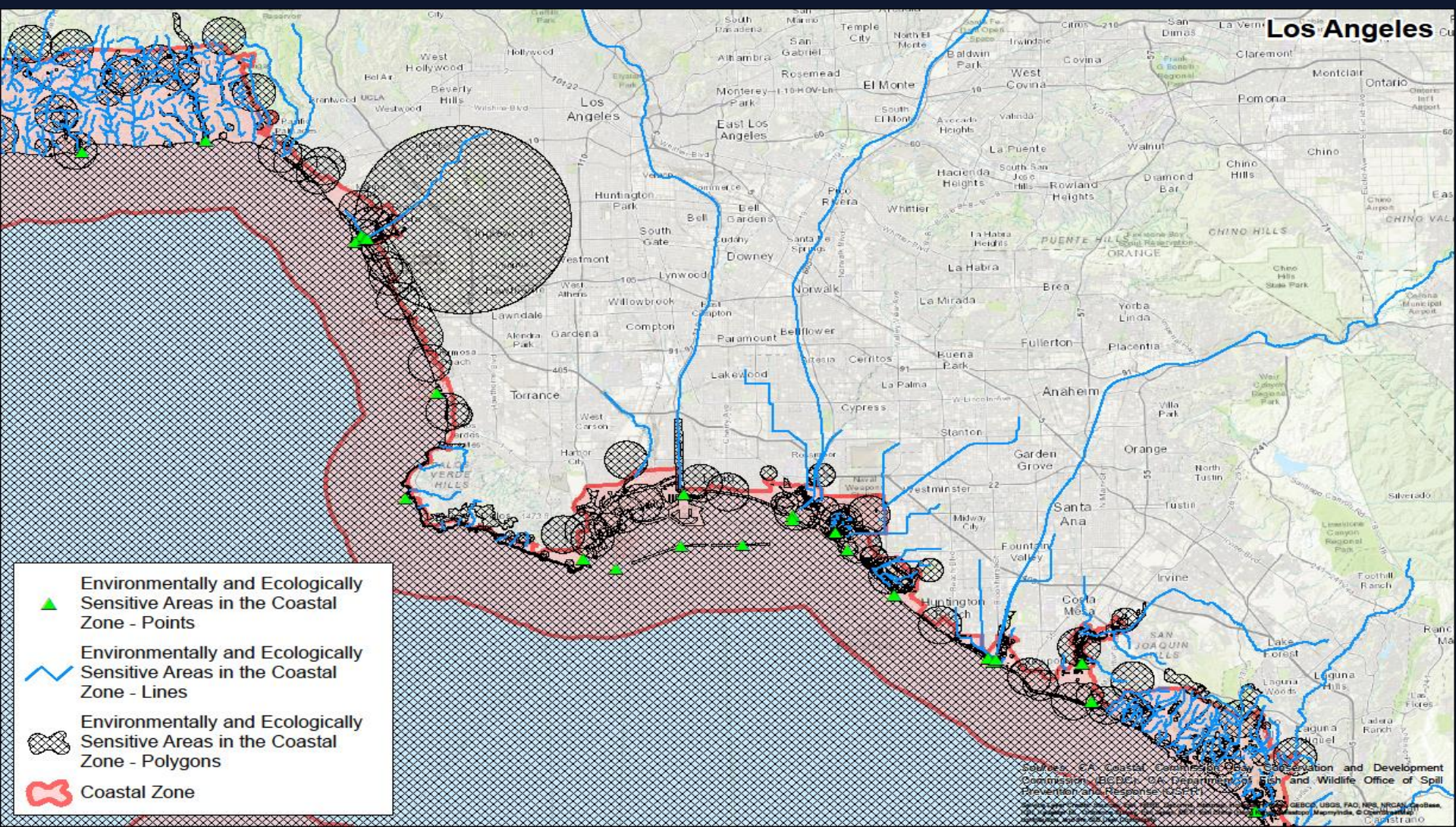
San Francisco



- ▲ Environmentally and Ecologically Sensitive Areas in the Coastal Zone - Points
- Environmentally and Ecologically Sensitive Areas in the Coastal Zone - Lines
- ▨ Environmentally and Ecologically Sensitive Areas in the Coastal Zone - Polygons
- Coastal Zone

Sources: CA Coastal Commission; Bay Conservation and Development Commission (BCDC); CA Department of Fish and Wildlife Office of Spill Prevention and Response (OSPR)

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Public Comment



- Please limit oral comment to three (3) minutes.
- Written comments physically submitted before 5pm January 30, 2017.
- Comments submitted via email during the presentation will be read.
- The OSFM will continue accepting comments from this workshop by mail and email until **February 6, 2017**. Submit comments to:

Postal Mail: Daniel Hastert, Associate Governmental Program Analyst
CAL FIRE-Office of the State Fire Marshal
Pipeline Safety Division
3950 Paramount Boulevard, Suite 210
Lakewood, California 90712

Email: daniel.hastert@fire.ca.gov

- **Note: Under the California Public Records Act, your written and oral comments, attachments, and associated contact information (e.g. your address, phone, email. Etc.) become part of the public records and may be released to the public upon request.**

Additional Workshop Schedule

- One more public workshop is scheduled for the following location and date:

City of Huntington Beach
2000 Main Street, City Council Chambers
Huntington Beach, CA 92648
Thursday February 16, 2017
3pm - 5pm



Contacts And Resources



- Please check this web address for updates to draft regulation language and related documents:
http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development
- If you have not already signed up for regulation development notifications, please contact Daniel Hastert via email at daniel.hastert@fire.ca.gov.
- For questions about public workshops or about the draft AB 864 regulations, please contact the following:

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